

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5853 of 2016

Vaman Kumar Netam, S/o. Ghanshyam Singh, Aged About 25 Years, R/o. Village Vijaypur, Police Station & Post Mohla, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Mohla, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.10.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.18/2016 registered at Police Station- Mohla, District Rajnandgaon (C.G.) for the offence punishable under Section 312, 313, 366 & 376 (च)(ढ) of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix on 10.03.2016 that from 31.12.2013 the applicant on the pretext of marriage committed sexual intercourse with the prosecutrix wherein she became pregnant and she was subjected to forceful abortion and thereafter the applicant refused to marry with her.
3. Learned counsel for the applicant would submit that the prosecutrix has been examined before the Court and she has not supported the case of the prosecution. He relied on the statement of the prosecutrix and would submit that under the circumstances, no

case is made out against the applicant; therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the prosecutrix has been examined and she has not supported the case of the prosecution.
5. Perused the case diary and documents. Reading the statement of the prosecutrix, it appears that she has completely denied the case of the prosecution, therefore, under the facts & circumstances of the case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge